



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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September 26, 2013

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TO: SACHI A. HAMAI  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: ROGER H. GRANBO *RHG*  
Assistant County Counsel  
Law Enforcement Services Division

RE: **Item for the Board of Supervisors' Agenda**  
**County Contract Cities Liability Trust Fund**  
**Estate of Christian Cobian, et al. v. County of Los Angeles, et al.**  
**Los Angeles Superior Court Case No. BC483709**

Attached is the Agenda entry for the Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation in the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda

RHG:scr

Attachments

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matter entitled Estate of Christian Cobian, et al. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC483709 in the amount of \$650,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department Contract Cities Trust Fund's budget.

This lawsuit concerns allegations of excessive force and wrongful death by Sheriff's Deputies.

## **CASE SUMMARY**

### **INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION**

CASE NAME	Estate of Christian Cobian, et al. v. County of Los Angeles, et al.
CASE NUMBER	Case No. BC483709
COURT	Los Angeles Superior Court
DATE FILED	Complaint filed: April 27, 2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 650,000
ATTORNEY FOR PLAINTIFF	Bradley Gage Law Offices of Goldberg & Gage
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	<p>This is a recommendation to settle for \$650,000, the lawsuit filed by the Estate of Christian Cobian and the parents of Christian Cobian, for alleged civil rights violations and the wrongful death of their son Christian Cobian. Plaintiffs allege that two Deputy Sheriffs shot and killed Mr. Cobian without justification.</p> <p>The Deputies contend that the force used was reasonable in response to Mr. Cobian's actions and that they fired upon the Decedent after he failed to follow commands to show his hands, and instead reached for his waistband.</p>

However, in light of the potential for high exposure and the uncertainties of litigation, a full and final settlement of the case in the amount of \$650,000 is recommended.

PAID ATTORNEY FEES, TO DATE	\$	74,760
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PAID COSTS, TO DATE	\$	15,667
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Case Name: Estate of Christian Coblan v. County of Los Angeles, et al.



## Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of Incident/event:	Saturday, January 21, 2012; approximately 11:00 p.m.
Briefly provide a description of the incident/event:	<p><b><u>Estate of Christian Coblan v. County of Los Angeles</u></b> <b>Summary Corrective Action Plan No. 2013-023</b></p> <p>On Saturday, January 21, 2012, at approximately 11:00 p.m., two Los Angeles County deputy sheriffs were driving a standard black and white, County-owned patrol vehicle on 10<sup>th</sup> Street West, Lancaster, when they saw a man (decedent) riding his bicycle without required illumination. The deputy sheriffs initiated an enforcement stop to warn the man or possibly cite him for the California Vehicle Code violation.</p> <p>The man initially complied and stepped off his bicycle, holding the bicycle with his left hand while concealing his right hand under his shirt. He then cursed at the deputy sheriffs, dropped the bicycle, and ran down the sidewalk.</p> <p>One of the deputy sheriffs followed the man on foot while the other deputy sheriff followed in the patrol vehicle. The man stopped running and turned toward the first deputy sheriff while still concealing his right hand under his shirt, causing the deputy sheriff to believe he was about to be shot. The deputy sheriff discharged his duty weapon, striking the man.</p> <p>As the second deputy sheriff arrived, he heard gunshots but did not know who fired them. He arrived to find the man running toward an alley. Believing the man had shot his partner, the deputy sheriff exited the patrol vehicle and ordered the man to stop and show his hands. The man abruptly turned toward the second deputy sheriff. The second deputy sheriff discharged his weapon, striking the man.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The root cause in this incident is the plaintiffs' allegation the Los Angeles County Sheriff's Department is responsible for the death of the decedent as a result of gunshot wounds he sustained during a contact with members of the Department.

County of Los Angeles  
Summary Corrective Action Plan

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2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in this incident.

This incident was thoroughly reviewed by representatives from the Los Angeles County Sheriff's Department's Homicide Bureau, Internal Affairs Bureau and, ultimately, the Executive Force Review Committee. The members of the Executive Force Review Committee found the force used by the deputy sheriffs was in compliance with Department policy.

This incident was also reviewed by representatives from the Los Angeles County District Attorney's Office. Their review found that both members of the Los Angeles County Sheriff's Department acted lawfully in self-defense and in defense of each other.

While it was determined the force used by the deputy sheriffs was in compliance with Department policy, appropriate administrative action was imposed upon two members of the Los Angeles County Sheriff's Department.

3. Are the corrective actions addressing department-wide system issues?

- ☐ Yes – The corrective actions address department-wide system issues.  
☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Judy A. Gerhardt, Captain  
Risk Management Bureau

Signature:



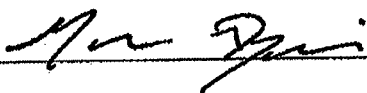
Date:

8/28/13

Name: (Department Head)

Glen Dragovich, Division Director  
Administrative and Training Division

Signature:



Date:

9/3/13

County of Los Angeles  
Summary Corrective Action Plan

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**Chief Executive Office Risk Management Inspector General USE ONLY**

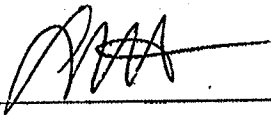
Are the corrective actions applicable to other departments within the County?

- ☐ Yes, the corrective actions potentially have County-wide applicability.
- ☐ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

LEO COSTANTINO

Signature:



Date:

9-16-13